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GOOGLE INC.

12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14 SAN FRANCISCO DIVISION

15 ORACLE AMERICA, INC.,  
16 Plaintiffs,  
17 v.  
18 GOOGLE INC.,  
19 Defendant.

Case No. 3:10-cv-03561 WHA

**DECLARATION OF MATTHIAS  
KAMBER IN SUPPORT OF GOOGLE  
INC.'S MOTION TO STRIKE PORTIONS  
OF ORACLE'S EXPERT REPORTS**

20 Dept. Courtroom 8, 19<sup>th</sup> Fl.  
21 Judge: Hon. William Alsup

1 I, MATTHIAS KAMBER, declare as follows:

2 1. I am an attorney licensed to practice law in the State of California and a partner at  
3 the law firm of Keker & Van Nest LLP, counsel to Google Inc. (“Google”) in the above-  
4 captioned action. I submit this declaration in support of Google’s Motion to Strike Portion of  
5 Oracle’s Expert Reports. I have knowledge of the facts set forth herein, and if called upon as a  
6 witness, I could testify to them competently under oath.

7 2. Attached hereto as **Exhibit 1** is a true and correct copy of Exhibits A-S from the  
8 July 29, 2011 Opening Expert Report of John C. Mitchell Regarding Copyright.

9 3. Attached hereto as **Exhibit 2** is a true and correct copy of an email string between  
10 Christa Anderson and Annette Hurst.

11 4. Attached hereto as **Exhibit 3** is a true and correct copy of excerpts from the expert  
12 report of Mr. Robert Zeidman.

13 5. Attached hereto as **Exhibit 4** is a true and correct copy of excerpts from the expert  
14 report of Dr. Doug Schmidt.

15 6. Attached hereto as **Exhibit 5** is a true and correct copy of excerpts from the expert  
16 report of Dr. Chris Kemerer.

17 7. Attached hereto as **Exhibit 6** is a true and correct copy of a January 14, 2016 letter  
18 from Eugene M. Paige to Annette Hurst.

19 8. Attached hereto as **Exhibit 7** is a true and correct copy of a January 21, 2016 email  
20 from Eugene M. Paige to counsel for Oracle.

21 9. Attached hereto as **Exhibit 8** is a true and correct copy of a January 22, 2016 letter  
22 from Andrew Silverman to Eugene M. Paige.

23 10. On November 5, 2015, Dan Purcell and I, on behalf of Google, had a conference  
24 call with at least Annette Hurst and Ayanna Lewis-Gruss, on behalf of Oracle, to meet and confer  
25 in accordance with the Court’s October 26, 2015 Order Re Damage Studies. [ECF No. 1349.]  
26 During that call Oracle never suggested that it might seek damages related to additional  
27 copyrighted works, which—because the copyrights for Java SE 6 and 7 post-date earlier versions  
28 of Android—would have called for different damages periods. To the contrary, the parties agreed

1 that the case presented a single, unified damages phase, as reflected in both parties' responses to  
2 the Court's Order. [ECF Nos. 1362, 1364.]

3 Dated: January 27, 2016

KEKER & VAN NEST LLP

4 By: /s/ Matthias A. Kamber  
5 ROBERT A. VAN NEST  
6 CHRISTA M. ANDERSON  
7 DANIEL PURCELL

8 Attorneys for Defendant  
9 GOOGLE INC.